

1 AN ACT relating to recall petitions.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 132.017 is amended to read as follows:

4 (1) As used in this section, "local governmental entity" includes a county fiscal court
5 and legislative body of a city, urban-county government, consolidated local
6 government, charter county government, or other taxing district.

7 (2) (a) That portion of a tax rate levied by an ordinance, order, resolution, or motion
8 of a local governmental entity or district board of education subject to recall as
9 provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go into
10 effect sixty-five (65)~~forty-five (45)~~ days after its passage.

11 (b) During the sixty-five (65)~~forty-five (45)~~ days next following the passage of
12 the ordinance, order, resolution, or motion, any five (5) qualified voters who
13 reside in the area where the tax levy will be imposed may commence petition
14 proceedings to protest the passage of the ordinance, order, resolution, or
15 motion by filing with the county clerk an affidavit stating that they constitute
16 the petition committee and that they will be responsible for circulating the
17 petition and filing it in the proper form within twenty-five (25)~~forty-five (45)~~
18 days from the passage of the ordinance, order, resolution, or motion. The
19 affidavit shall state their names and addresses and specify the address to
20 which all notices to the committee are to be sent. Upon receipt of the affidavit,
21 the county clerk shall:

- 22 1. At the time of filing of the affidavit, notify the petition committee of all
23 statutory requirements for the filing of a valid petition under this section;
- 24 2. At the time of the filing of the affidavit, notify the petition committee
25 that the clerk will publish a notice identifying the tax levy being
26 challenged and providing the names and addresses of the petition
27 committee in a newspaper of general circulation within the county, if

1 such publication exists, if the petition committee remits an amount equal
2 to the cost of publishing the notice determined in accordance with the
3 provisions of KRS 424.160 at the time of the filing of the affidavit. If
4 the petition committee elects to have the notice published, the clerk shall
5 publish the notice within seven (7)~~five (5)~~ days of receipt of the
6 affidavit; and

7 3. Deliver a copy of the affidavit to the appropriate local governmental
8 entity or district board of education.

9 (c) The petition shall be filed with the county clerk within twenty-five (25)~~forty-~~
10 ~~five (45)~~ days of the passage of the ordinance, order, resolution, or motion.
11 All papers of the petition shall be uniform in size and style and shall be
12 assembled in one (1) instrument for filing. Each sheet of the petition shall
13 contain the names of voters from one (1) voting precinct only, and shall
14 include the name, number and designation of the precinct in which the voters
15 signing the petition live. The inclusion of an invalid signature on a page shall
16 not invalidate the entire page of the petition, but shall instead result in the
17 invalid signature being stricken and not counted. Each signature shall be
18 executed in ink or indelible pencil and shall be followed by the printed name,
19 street address, and Social Security number or birthdate of the person signing.
20 The petition shall be signed by a number of registered and qualified voters
21 residing in the affected jurisdiction equal to at least ten percent (10%) of the
22 total number of votes cast in the last preceding presidential election.

23 (d) Upon the filing of the petition with the county clerk, the ordinance, order,
24 resolution, or motion shall be suspended from going into effect until after the
25 election referred to in subsection (3) of this section is held, or until the petition
26 is finally determined to be insufficient and no further action may be taken
27 pursuant to paragraph (h) of this subsection.

- 1 (e) The county clerk shall immediately notify the presiding officer of the
2 appropriate local governmental entity or district board of education that the
3 petition has been received and shall, within twenty (20)~~thirty (30)~~ days of the
4 receipt of the petition, make a determination of whether the petition contains
5 enough signatures of qualified voters to place the ordinance, order, resolution,
6 or motion before the voters.
- 7 (f) If the county clerk finds the petition to be sufficient, the clerk shall certify to
8 the petition committee and the local governmental entity or district board of
9 education within the twenty (20)~~thirty (30)~~ day period provided for in
10 paragraph (e) of this subsection that the petition is properly presented and in
11 compliance with the provisions of this section, and that the ordinance, order,
12 resolution, or motion levying the tax will be placed before the voters for
13 approval.
- 14 (g) If the county clerk finds the petition to be insufficient, the clerk shall, within
15 the twenty (20)~~thirty (30)~~ day period provided for in paragraph (e) of this
16 subsection, notify, in writing, the petition committee and the local
17 governmental entity or district board of education of the specific deficiencies
18 found. Notification shall be sent by certified mail and shall be published at
19 least one (1) time in a newspaper of general circulation within the county
20 containing the local governmental entity or district board of education levying
21 the tax or, if there is no such newspaper, shall be posted at the courthouse
22 door.
- 23 (h) A final determination of the sufficiency of a petition shall be subject to final
24 review by the Circuit Court of the county in which the local governmental
25 entity or district board of education is located, and shall be limited to the
26 validity of the county clerk's determination. Any petition challenging the
27 county clerk's final determination shall be filed within ten (10) days of the

1 issuance of the clerk's final determination.

2 (i) The local governmental entity or district board of education may cause the
3 cancellation of the election by reconsidering the ordinance, order, resolution,
4 or motion and amending the ordinance, order, resolution, or motion to levy a
5 tax rate which will produce no more revenue from real property, exclusive of
6 revenue from new property as defined in KRS 132.010, than four percent
7 (4%) over the amount of revenue produced by the compensating tax rate
8 defined in KRS 132.010 from real property. The action by the local
9 governmental entity or district board of education shall be valid only if taken
10 within seven (7)~~fifteen (15)~~ days following the date the clerk finds the
11 petition to be sufficient.

12 (3) (a) If an election is necessary under the provisions of subsection (2) of this
13 section, the county fiscal court, legislative body of a city, urban-county
14 government, consolidated local government, or other taxing district shall
15 cause to be submitted to the voters of the county, district, consolidated local
16 government, or urban-county at the next regular election, the question as to
17 whether the property tax rate shall be levied. The question shall be submitted
18 to the county clerk not later than the second Tuesday in August preceding the
19 regular election.

20 (b) If an election is necessary for a school district under the provisions of
21 subsection (2) of this section, the district board of education may cause to be
22 submitted to the voters of the district in a called common school election not
23 less than forty-five (45)~~thirty-five (35)~~ days nor more than sixty-five
24 (65)~~forty-five (45)~~ days from the date the signatures on the petition are
25 validated by the county clerk, or at the next regular election, at the option of
26 the district board of education, the question as to whether the property tax rate
27 shall be levied. If the election is held in conjunction with a regular election,

1 the question shall be submitted to the county clerk not later than the second
2 Tuesday in August preceding the regular election. The cost of a called
3 common school election shall be borne by the school district holding the
4 election. Any called common school election shall comply with the provisions
5 of KRS 118.025.

6 (c) In an election held under paragraph (a) or (b) of this subsection, the question
7 shall be so framed that the voter may by his or her vote answer "for" or
8 "against." If a majority of the votes cast upon the question oppose its passage,
9 the ordinance, order, resolution, or motion shall not go into effect. If a
10 majority of the votes cast upon the question favor its passage, the ordinance,
11 order, resolution, or motion shall become effective.

12 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an
13 election held under paragraph (a) or (b) of this subsection, the property tax
14 rate which will produce four percent (4%) more revenues from real property,
15 exclusive of revenue from new property as defined in KRS 132.010, than the
16 amount of revenue produced by the compensating tax rate defined in KRS
17 132.010, shall be levied without further approval by the local governmental
18 entity or district board of education.

19 (4) Notwithstanding any statutory provision to the contrary, if a local governmental
20 entity or district board of education has not established a final tax rate as of
21 September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or
22 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all
23 districts having a tax rate established by that date; and a second set of bills shall be
24 prepared and collected in the regular manner, according to the provisions of KRS
25 Chapter 132, upon establishment of final tax rates by the remaining districts.

26 (5) If a second billing is necessary, the collection period shall be extended to conform
27 with the second billing date.

- 1 (6) All costs associated with the second billing shall be paid by the taxing district or
- 2 districts requiring the second billing.